



Community Development Department
 Current Planning Division
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www.BeavertonOregon.gov

To: Interested Parties
From: City of Beaverton Planning Division
Date: March 17, 2015
Subject: Notice of Decision for HO2015-0001 - Tkachuk Home Occupation Two

Please find attached the notice of decision for HO2015-0001 - Tkachuk Home Occupation Two. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for HO2015-0001 - Tkachuk Home Occupation Two is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for HO2015-0001 - Tkachuk Home Occupation Two is **4:00 p.m., Monday, March 30, 2015.**

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building, 12725 SW Millikan Way between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.

NOTICE OF DIRECTOR'S DECISION

DATE: March 17, 2015

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: HO2015-0001 - Tkachuk Home Occupation Two

LOCATION: 10350 SW Spaniel Place
Tax Lot 800 of Washington County Tax Assessors Map 1S1-33BB

SUMMARY: The applicant is seeking a Home Occupation Two approval to operate a financial services business within his single family home. The applicant states that he anticipates a maximum of two customers coming to his home per month and no employees will come to the premises.

APPLICANT: Michael Tkachuk
10350 SW Spaniel Place
Beaverton, OR 97008

PROPERTY OWNER: Michael Tkachuk
10350 SW Spaniel Place
Beaverton, OR 97008

RECOMMENDATIONS: **APPROVAL of HO2015-0001 - Tkachuk Home Occupation Two**, subject to conditions identified at the end of this decision.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
HO2015-0001	January 15, 2015	February 4, 2015	March 17, 2015	October 2, 2015

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Urban Standard Density R5	
Current Development	Single Family Residential	
NAC	South Beaverton	
Surrounding Uses	<u>Zoning:</u> North: Urban Standard Density (R5) South: Urban Standard Density (R7) East: Urban Standard Density (R7) West: Urban Standard Density (R5)	<u>Uses:</u> North: Detached Dwelling South: Public School East: Detached Dwelling West: Detached Dwelling

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

Attachment A: HO2015-0001 - Tkachuk Home Occupation Two

Attachment B: Conditions of Approval

Exhibit 1: Applicant's Materials

No Public Comments Received

**ANALYSIS AND FINDINGS FOR
HOME OCCUPATION TWO APPROVAL
HO2015-0001 - Tkachuk Home Occupation Two**

Section 40.40.05 Home Occupation: Purpose

The purpose of the Home Occupation application is to provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It recognizes the potential advantages for reducing commuter travel when people work at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of residential districts. It is the intent of this section that these uses be allowed so long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large. This Section is carried out by the approval criteria listed herein.

Section 40.40.15.2.C lists the criteria in order to approve a Home Occupation 2 application; the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Home Occupation Two application.

Facts and Findings:

The applicant proposes to operate a financial services business out of his home. Business activities will be located in a portion of the applicant's home as shown on the floor plan (Exhibit 1). The applicant has stated that he intends for only one to two customers travelling to his home per month. The code allows for up to eight customers per day provided that they arrive by appointment only with no overlap of appointments.

Therefore, staff finds that the proposal meets the criterion for approval.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

Facts and Findings:

The City of Beaverton received the appropriate fee for a Home Occupation Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. *The proposed home occupation is being undertaken by an occupant of the residence.*

Facts and Findings:

The applicant resides in the house where the business will operate.

Therefore, staff finds that the proposal meets the criterion for approval.

4. *The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licensing requirements as appropriate to the proposed use.*

Facts and Findings:

The applicant has a valid business license with the City of Beaverton.

Therefore, staff finds that the proposal meets the criterion for approval.

5. *The proposed home occupation shall be operated entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.*

Facts and Findings:

The applicant has stated that all activities associated with the home occupation will be conducted within the home. There will be no outdoor storage of materials. The applicant has indicated that approximately 340 square feet of the house will be used for this business.

Therefore, staff finds that the proposal meets the criterion for approval.

6. *The proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official applying the State Building Code.*

Facts and Findings:

The primary use at this site will continue to be classified as residential, with no proposed change of occupancy. As such, the residence will be exempt from applicable accessibility requirements as administered through the Oregon Residential Specialty Code.

Therefore, staff finds that the proposal meets the criterion for approval.

7. *The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.*

Facts and Findings:

The applicant has stated that the home occupation will occupy approximately 340 square feet of the house. This area is further shown on the applicant's site plan.

Therefore, staff finds that the proposal meets the criterion for approval.

8. *The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.*

Facts and Findings:

The applicant states that the subject property will continue to be used and maintained as a residence as permitted in the R5 zoning district.

Therefore, staff finds that the proposal meets the criterion for approval.

9. *The home occupation, including deliveries from other businesses, shall not include the use of tractor trailers, fork lifts, or similar heavy equipment.*

Facts and Findings:

The applicant has stated that the proposed home occupation does not require deliveries, other than regular mail service.

Therefore, staff finds that the proposal meets the criterion for approval.

10. *There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.*

Facts and Findings:

The applicant has stated that the home occupation will exude no noise, vibration, smoke, dust, heat or glare as a result of its operation.

Therefore, staff finds that the proposal meets the criterion for approval.

11. *There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.*

Facts and Findings:

The applicant has stated that the proposed home occupation will not require exterior vehicle storage for business use.

Therefore, staff finds that the proposal meets the criterion for approval.

12. The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshal pose a health or safety risk to the residence, its occupants or surrounding properties.

Facts and Findings:

The applicant has stated that the home occupation will not involve storage of any toxic or flammable materials.

Therefore, staff finds that the proposal meets the criterion for approval.

13. *There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.*

Facts and Findings:

The applicant has stated that there will be no signage involved with this home occupation. The applicant is allowed no signage other than a name plate, not to exceed two square feet, as allowed by Section 60.40.15.4 of the City of Beaverton Development Code.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

14. *Exterior remodeling will not alter the residential character of the building.*

Facts and Findings:

The applicant has indicated that there will be no exterior alterations to the building. The house will retain its character and primary use as a residence.

Therefore, staff finds that the proposal meets the criterion for approval.

15. *Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.*

Facts and Findings:

No outside employees are proposed as part of the home occupation at this time. This site is a single-family residence and the minimum required parking is one space. The site contains six parking spaces, three within the garage and three directly in front of the garage in the driveway. One parking space is required for the proposed home occupation per section 60.30 of the Development Code.

As per Chapter 60.30 (Off-Street Parking), one parking space is required for each detached dwelling unit. Therefore, three excess parking spaces exist on site to accommodate customer parking for this Home Occupation.

Therefore, staff finds that the proposal meets the criterion for approval.

16. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.*

Facts and Findings:

Home Occupations are a permitted use in the R5 zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the R5 zone. No adjustments, planned unit developments or variances are proposed or necessary.

Therefore, staff finds that the proposal meets the criterion for approval.

17. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.*

Facts and Findings:

The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements). No exterior modifications are proposed as part of this application. The residential occupancy of the structure will not change due to the proposed home occupation. Off-street parking standards have been met as per the findings for Criterion 15. The site does not contain any protected trees, significant natural resource areas, or other protected areas. No improvements or dedications are required as part of the Home Occupation approval.

Therefore, staff finds that the proposal meets the criterion for approval.

18. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Facts and Findings:

All applicable application submittal requirements have been submitted with the Home Occupation application.

Therefore, staff finds that the proposal meets the criterion for approval.

19. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.*

Facts and Findings:

No further applications are necessary with the Home Occupation application. Should any future documentation be needed it shall be provided to the City in proper sequence.

Therefore, staff finds that the proposal meets the criterion for approval.

SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the request for Home Occupation approval is supported within the approval criteria findings, noted above, for Chapter 40, Section 40.40.15.2.C of the Development Code.

Conclusion

Based on the facts and findings presented, the Director therefore **HO2015-0001 - Tkachuk Home Occupation Two**, subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR HO2015-0001

1. The home occupation shall be conducted by an occupant of the residence. (Planning Division/JT)
2. The home occupation shall not employ more than one employee or volunteer who is not a resident of the premises. (Planning Division/JT)
3. The proposed home occupation shall participate in and be consistent with the City's Business License Program and other agency licenses as appropriate to the approved use. (Finance Dept/ KG)
4. The proposed home occupation shall be operated entirely within the dwelling. Additionally the area of the home occupation shall not exceed 50 percent of the floor area of the house or 700 square feet, whichever is less. (Planning Division/JT)
5. No exterior storage of materials or equipment shall occur on the premises. (Planning Division/JT)
6. The proposed home occupation shall not change the use classification of the dwelling unit or accessory structure, as determined by the City Building Official applying the State Building Code. (Building Division/ BR)
7. The subject property shall continue to be used and maintained as a residence and shall conform to all requirements of this and other City Codes as they pertain to residential property. (Planning Division/JT)
8. There shall be no signage associated with the proposed home occupation other than a two square foot name plate as allowed by Section 60.40.15.4 of the Development Code. (Planning Division/JT)
9. The site shall be kept clean at all times and all trash shall be stored within the building or within an opaque exterior enclosure. (Planning Division/JT)
10. There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation. (Planning Division/JT)
11. The proposed home occupation shall not change the residential character of the dwelling unit. (Planning Division/JT)
12. Applicant shall schedule client appointments a minimum of 30 minutes apart to avoid overlap and with a maximum of eight customers per day. (Planning Division/JT)